

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 25-65 were pending in the referenced application. By way of this reply, claims 66-77 have been added. Accordingly, claims 25-77 are now pending in the referenced application. Claims 25-31 and 63-65 have been withdrawn from consideration by the Examiner. Further, claims 25, 32, 57, 60 and 63 are independent. The remaining claims depend, directly or indirectly, from independent claims 25, 32, 57, 60 and 63.

Claim Amendments

Claims 32, 38, 41, 47, 53, and 57-58 have been amended by this reply to comply with 35 USC § 112, paragraph 1, and, also, to clarify that the spoken language interface includes an operator interface for allowing an operator to observe a voice session between the user and the spoken language interface. Support for the aforementioned amendments is present, for example, in paragraphs [0084], [0088], [0100], [0144]-[0148], and [0489] of U.S. Application Serial No. 10/649,336 ("Published Specification").

As discussed above, new claims 66-77 have been added. New claims 66-69 depend, directly or indirectly, from claim 32 and support may be found, for example, in paragraphs [0144]-[0148] of the Published Specification. New claims 70-73 depend, directly or indirectly, from independent claim 57 and support may be found, for example, in paragraphs [0144]-[0148] of the Published Specification. New claims 74-77 depend, directly or indirectly, from independent claim 60 and support may be found, for example, in paragraphs [0144]-[0148] of

the Published Specification. New claims 78-81 depend, directly or indirectly, from independent claim 63 and support may be found, for example, in paragraphs [0144]-[0148] of the Published Specification. No new matter has been added by any of the aforementioned amendments.

Rejections under 35 U.S.C. § 101

Claims 57-62 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Claim 57 has been amended to exclude the limitation of a “computer system” in accordance with the Examiner’s suggestion. Dependent claims 58-61 have been amended to comply with the changes made to independent claim 57. Further, claims 60-62 have been amended to recite “computer executable instructions” in accordance with the Examiner’s suggestion. Further, Applicant respectfully asserts that claims 57 and 60 produce a useful, tangible, and concrete result. Specifically, claims 57 and 60 require playing to the user a prompt and allowing an operator to observe a voice session with a system. Thus, claims 57-62 are directed to statutory subject matter and comply with 35 U.S.C. § 101. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 112

Claims 38, 41-43, 47, 49, and 53 stand rejected for failing to comply with the written description requirement of 35 U.S.C. § 112, paragraph 1. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

The Examiner asserts that the limitation “probability profiles” in claim 38 introduces new subject matter not specifically described in the specification. Claim 38 has been amended

to recite “system profiles, wherein adapting the profiles controls the probabilities associated with a likely speaking style of the user’s speech input.” Support for the above amendment can be found, for example, in paragraph [0088] of the Published Specification. Accordingly, claim 38 satisfies 35 U.S.C. § 112, paragraph 1.

Further, the Examiner asserts that the limitation “grammar independent form” in claim 41 introduces new subject matter not specifically described in the specification. Claim 41 has been amended to recite “notation independent form.” Support for the above amendment can be found, for example, in paragraph [0084] of the Published Specification. Accordingly, claim 41 satisfies 35 U.S.C. § 112, paragraph 1. Claims 42-43 depend, directly or indirectly, from amended independent claim 41 and, thus, also satisfy 35 U.S.C. § 112, paragraph 2.

In addition, the Examiner asserts that the limitation “updating operates while the spoken language interface operates” in claim 47 introduces new subject matter not specifically described in the specification. Claim 47 has been amended to replace “spoken language interface” with “automatic speech recognition system.” Support for the above amendment can be found, for example, in paragraph [0033] of the Published Specification. Accordingly, claim 47 satisfies 35 U.S.C. § 112, paragraph 1.

Moreover, the Examiner asserts that the limitation “the application managers are mutually interactive such that activity by a user in one application may result in activity in another application” in claim 49 introduces new subject matter not specifically described in the specification. However, the Applicant respectfully asserts that support for the aforementioned limitation can be found, for example, in paragraphs [0050] and [0100] of the Published Specification. Specifically, in one embodiment of the claimed invention, for example, booking a flight primarily would involve a flight booking application manager which would also directly utilize a calendar application manager in order to enter flight times into a user’s calendar. Said

another way, an activity by a user in one application (*e.g.*, flight booking) may result in activity in another application (*e.g.*, calendar). Accordingly, claim 49 satisfies 35 U.S.C. § 112, paragraph 1.

Finally, the Examiner asserts that the limitation “determining a position of the user and for modifying data provided to the user in accordance with the position” in claim 53 introduces new subject matter not specifically described in the specification. Claim 53 has been amended to replace the term “position” with the term “location.” Support for the above amendment can be found, for example, in paragraph [0489] of the Published Specification. Accordingly, claim 53 satisfies 35 U.S.C. § 112, paragraph 1.

In view of the above, claims 38-53 satisfy the requirements of 35 U.S.C. § 112, paragraph 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32-56 stand rejected for failing to comply with 35 U.S.C. § 112, paragraph 2. To the extent that the rejection still applies to the amended claims, the rejection is respectfully traversed.

The Examiner asserts that claim 32 is indefinite because it is unclear what the limitation “in notation independent form” means. However, the Applicant respectfully asserts that the aforementioned limitation refers to the commonly accepted term “platform notation independent form,” also referred to as “platform independent.” Thus, claim 32 refers to grammar constructs that are stored in a database used to dynamically generate the appropriate grammar for a specific platform at runtime. Thus, the aforementioned limitation is a commonly accepted and/or used term in the art. Accordingly, claim 32 satisfies 35 U.S.C. § 112, paragraph 2. Claims 33-56 depend, directly or indirectly, from amended independent claim 32 and, thus, also satisfy 35 U.S.C. § 112, paragraph 2. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 102

Claims 32, 34-35, 37-49, 52-53, 55-58, and 60-61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,137,126 (“Coffman”). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

An exemplary embodiment of the invention is described in paragraph [0148] of the Published Specification. In one or more embodiments of the claimed invention, a user may contact a human operator while communicating with a spoken language interface during a voice session. When a user has successfully contacted a help desk operator, the operator takes advantage of synchronous conversation functionality and “piggybacks” onto the user’s current session. Said another way, the operator uses a desktop application to see, and control if necessary, the voice session that user is having with the system. For example, a user in the middle of a session may be having trouble, such that they are in the calendar application and would like to compose e-mail, but cannot remember what to say to switch over. The user could then request help and be automatically patched through to a help-desk operator. The operator can then either notify the user of the corrective action, or directly move the user to the e-mail application, thereby placing the user in the correct part of the system. Advantageously, users may be able to obtain convenient and efficient assistance to improve their experience in communicating vocally with the system. (*see* Published Specification, paragraphs [0144]-[0148]).

Turning to the rejection, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (*See* MPEP § 2131). The Applicant respectfully asserts that Coffman

fails to disclose all the limitations of amended independent claims 32, 57, and 60.

In particular, amended independent claim 32 requires, *inter alia*, "...a further interface comprising a non-voice interface, the further interface comprising an operator interface for allowing an operator to observe a voice session between the user and the system." The aforementioned limitation explicitly requires that the system include an operator interface to facilitate observation of a voice session by an operator of a user. The Applicant respectfully asserts that Coffman does not teach or suggest an operator interface for allowing an operator to observe a voice session between the user and the system.

In fact, Coffman is completely silent with respect to an operator interface. Rather, Coffman discloses a method for implementing a conversational virtual machine in a stand-alone operating system or as a platform that runs on top of a conventional operating system. The conversational virtual machine handles all I/O processing and converts voice requests into queries and converts outputs and results into spoken messages. (*See* Coffmann, Abstract). However, Coffman fails to disclose or suggest the use of an operator interface to allow an operator to observe a voice session between a user and a system. Particularly, Coffman does not even contemplate an operator interface because Coffman fails to disclose an assistance option for a user (*e.g.*, a new user) should he be unsure of how to proceed.

In view of the above, Coffman fails to disclose all the limitations recited in amended independent claim 32. Thus, amended independent claim 32 is patentable over Coffman. Amended independent claims 57 and 60 include at least the same patentable limitations as amended independent claim 32 and thus, are patentable over Coffman for at least the same reasons as amended independent claim 32. Dependant claims are patentable over Coffman for at least the same reasons as amended independent claims 32, 57, and 60. Thus, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claim 33 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Coffman in view of U.S. Patent No. 6,970,935 (“Maes”). Claim 33 depends from amended independent claim 32. To the extent that the rejection may still apply to the amended claim 32, this rejection is respectfully traversed.

As discussed above, Coffman fails to show all the limitations of amended independent claim 32. Further, Maes fails to teach or suggest that which Coffman lacks. Specifically, Maes is cited merely to assert that it teaches a Wireless Application Protocol (WAP) interface. (*see* Office Action mailed March 21, 2007, p. 15). However, Maes fails to teach or suggest an operator interface that allows an operator to observe a voice session between a user and a system. Thus, Maes fails to teach or suggest all of the limitations of independent claim 32, and fails to provide that which Coffman lacks with respect to claim 32. Therefore, claim 32 is patentable over Coffman and Maes, whether considered separately or in combination. Claim 33 depends from claim 32 and, thus, is patentable over the cited references for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 36 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Coffman in view of U.S. Patent No. 7,016,847 (“Tessel”). Claim 36 depends from amended independent claim 32. To the extent that the rejection may still apply to amended claim 32, this rejection is respectfully traversed.

As discussed above, Coffman fails to show all the limitations of amended independent claim 32. Further, Tessel fails to teach or suggest that which Coffman lacks. Specifically, Tessel is cited merely to assert open architecture for a voice user interface. (*see* Office Action mailed March 21, 2007, p. 16). However, Tessel fails to teach or suggest an operator interface that allows an operator to observe a voice session between a user and a

system. Thus, Tessel fails to teach or suggest all of the limitations of independent claim 32, and fails to provide that which Coffman lacks with respect to claim 32. Therefore, claim 32 is patentable over Coffman and Tessel, whether considered separately or in combination. Claim 36 depends from claim 32 and, thus, is patentable over the cited references for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 50-51 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Coffman in view of U.S. Patent No. 6,418,440 (“Kuo”). Claims 50-51 depend from amended independent claim 32. To the extent that the rejection may still apply to amended claim 32, this rejection is respectfully traversed.

As discussed above, Coffman fails to show all the limitations of amended independent claim 32. Further, Kuo fails to teach or suggest that which Coffman lacks. Specifically, Kuo is cited merely to assert that it teaches automated dynamic dialogue generation. (*see* Office Action mailed March 21, 2007, p. 17). However, Kuo fails to teach or suggest an operator interface that allows an operator to observe a voice session between a user and a system. Thus, Kuo fails to teach or suggest all of the limitations of independent claim 32, and fails to provide that which Coffman lacks with respect to claim 32. Therefore, claim 32 is patentable over Coffman and Kuo, whether considered separately or in combination. Claims 50-51 depend from claim 32 and, thus, are patentable over the cited references for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 54 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Coffman in view of U.S. Patent No. 5,781,894 (“Petrecca”). Claim 54 depends from amended independent claim 32. To the extent that the rejection may still apply to amended claim 32, this rejection is respectfully traversed.

As discussed above, Coffman fails to show all the limitations of amended independent claim 32. Further, Petrecca fails to teach or suggest that which Coffman lacks. Specifically, Petrecca is cited merely to assert that it teaches a method and system for advertising on a personal computer. (*see* Office Action mailed March 21, 2007, p. 18). However, Petrecca fails to teach or suggest an operator interface that allows an operator to observe a voice session between a user and a system. Thus, Petrecca fails to teach or suggest all of the limitations of independent claim 32, and fails to provide that which Coffman lacks with respect to claim 32. Therefore, claim 32 is patentable over Coffman and Petrecca, whether considered separately or in combination. Claim 54 depends from claim 32 and, thus, is patentable over the cited references for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 59 and 62 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Coffman. Claims 59 and 62 depend from amended independent claim 57. To the extent that the rejection may still apply to amended claim 57, this rejection is respectfully traversed.

As discussed above, Coffman fails to show all the limitations of amended independent claim 57. Specifically, Coffman fails to teach or suggest an operator interface that allows an operator to observe a voice session between a user and a system. Thus, Coffman fails to teach or suggest all of the limitations of independent claim 57. Therefore, claim 57 is patentable over Coffman. Claims 59 and 62 depend from claim 57 and, thus, are patentable over Coffman for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

New claims 66-77 are allowable for at least the same reasons as stated above with respect to independent claims 32, 57, and 60. Accordingly, entry and allowance of new claims 66-81 is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17087/002001).

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Respectfully submitted,

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